

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2991/95 To 3041/95

With

FIRST APPEAL NOS.3114/95 To 3149/95

With

FIRST APPEAL NOS.4356/95 To 4389/95

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE R.P.DHOLAKIA

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SPL LAQ OFFICER

Versus

RABARI LILA DANA

Appearance:

Mr. P.G. Desai, GP, in FA Nos.3114 to 3149/95, and in FA 2991 to 3007/95 for appellant no.1

Mr. L.R. Poojari, AGP in FA 3008 to 3024/95 and in FA 4356 to 4389 of 1995, for appellant no.1

Mr. S.P. Dave, AGP in FA Nos.3025 to 3041 of 1995 for appellant no.1.

Mr. Jayant Patel for appellant No.2

Mr. Vipul Modi for respondents.

CORAM : MR.JUSTICE Y.B.BHATT and

MR.JUSTICE R.P.DHOLAKIA

COMMON ORAL JUDGEMENT (Per Y.B. Bhatt J.)

1. These are a group of appeals filed on behalf of the State of Gujarat under section 54 of the Land Acquisition Act read with section 96 CPC, challenging the common judgement and awards passed by the Reference Court under section 18 of the said Act.

2. We may note at this stage that this very Bench has, by judgement and order dated 22nd July 1998, decided an earlier group of matters viz. First Appeal Nos.6255/95 to 6301/95, wherein the subject matter of controversy was identical as in the present matters before us.

3. The lands in question in our aforesaid decision were acquired for the very same purpose, as in the instant case viz. for Deesa Airfield. Furthermore, the notification under section 4 of the said Act was also published on the identical date viz. 4th August 1986.

4. Learned counsel for the respective parties agree that our aforesaid decision would completely cover the facts of the present case. Thus, on the facts and circumstances of the case, and for the reasons set out in detail in our aforesaid decision, we determine the market value of the acquired lands in the present group of appeals at Rs.7/- per square meter.

5. Furthermore, for the reasons discussed in detail in our aforesaid decision, we also issue directions herein as set out in paragraphs 8, clause (1) to (v) of our aforesaid decision.

6. Accordingly, these appeals stand partly allowed, and impugned judgement and awards stand modified only to the extent indicated herein. There shall be no orders as to costs. Decree accordingly.

7. A copy of our aforesaid decision shall be attached to the present judgement and order and kept in the relevant matters.
